

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 11-Cr-103

FERAS RAHMAN,

Defendant.

ORDER

This criminal action arose out of an early morning January 19, 2010, fire that demolished an east side of Milwaukee building that had four first-floor businesses and ten apartments. This matter is before the Court following the Court of Appeals' issuance of the mandate on its decision in *United States v. Rahman*, 805 F.3d 822, 840 (7th Cir. 2015), reversing this Court's denial of Defendant Feras Rahman's motion to suppress, reversing the Court's denial of Rahman's motion for judgment of acquittal of his conviction for making of false statement to investigators in violation of 18 U.S.C. § 1001, holding that the Court made a factual error at sentencing that would entitle Rahman to resentencing if he is retried on the false statement charge, and remanding for further proceedings consistent with the opinion.

Based on the Court of Appeals' opinion, the Court will require that **on or before January 20, 2016**, the Government file a statement indicating whether it intends to retry Rahman on the § 1001 charge. If so, the statement filed by the Government must also indicate whether it intends to establish that evidence seized from the Black and White Café's basement on January 21, after Hankins reached his conclusion ruling out the basement as the origin of the fire was seized for the purpose of establishing how the fire started elsewhere in the building. *See id* at 834. **On or before January 29, 2016**, Rahman may file a response to that statement.

SO ORDERED at Milwaukee, Wisconsin, this 7th day of January, 2016.

BY THE COURT:

s/ Pamela Pepper
FOR HON. RUDOLPH T. RANDA
U.S. District Judge